

Amendment No. 1 to HB2922

Lynn  
Signature of Sponsor

AMEND Senate Bill No. 2931

House Bill No. 2922\*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Orderly Closing of Fiscal Years 2019-2020 and 2020-2021. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. It is the legislative intent to fulfill the essential function and constitutional responsibility of state government to orderly close fiscal years 2019-2020 and 2020-2021. Under the provisions of Tennessee Code Annotated, Section 4-3-1016, as amended by Senate Bill No. 2932 / House Bill No. 2924, if such bill becomes a law, the Commissioner of Finance and Administration is authorized to deny carry forwards for and to transfer funds from the enumerated funds, reserve accounts, or programs to the state general fund for the sole purpose of meeting the requirements of funding state government for the fiscal years ending June 30, 2020 and June 30, 2021, and for that purpose such funds hereby are appropriated to the general fund. The Commissioner of Finance and Administration shall report to the chairs of the Senate and House Finance, Ways and Means Committees, and the directors of the Office of Legislative Budget Analysis all such transfers and carry-forward denials by January 15, 2021. Such transfers and carry-forward denials shall be according to the following schedule, to the extent funds are available in the reserves and considering the interests of the programs, as determined by the Commissioner of Finance and Administration:

Item 1. From the reserves for unencumbered balance and capital outlay that are not permanent statutory reserves.

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Item 2. From the statutory reserves enumerated in Tennessee Code Annotated, Section 4-3-1016, as amended by Senate Bill No. 2932 / House Bill No. 2924.

Item 3. From the TennCare reserve.

Item 4. From the reserve for revenue fluctuations established by Tennessee Code Annotated, Section 9-4-211.

SECTION 2. Pursuant to Tennessee Code Annotated, Section 9-4-5111, the Commissioner of Finance and Administration is authorized to reserve a portion of the allotments appropriated in Chapter 651, Public Acts of 2020, and this act. It is the further legislative intent that any items identified for reserve allotment in the fiscal year 2020-2021 enacted budget will be identified and reported as a recommended reduction in the Governor's fiscal year 2021-2022 Budget Recommendation to the General Assembly for review and approval as part of the normal budget development process and in accordance with existing law.

SECTION 3. Authorization to Transfer Appropriations in 2019-2020. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. From the appropriations made in Chapter 405, Public Acts of 2019, the Commissioner of Finance and Administration is authorized to make transfers from the appropriations made:

Item 1. From the unexpended balances in Miscellaneous Appropriations in Section 1, Title III-22, a sum sufficient is authorized to be transferred to the Tennessee Bureau of Investigation for the orderly close of fiscal year 2019-2020.

SECTION 4. Other Additions to Budget. In addition to the amounts appropriated in Sections 1 and 4 of Chapter 651, Public Acts of 2020, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to allocate the appropriations to the appropriate organizational units and to adjust federal aid and other departmental revenues and position authorizations accordingly. Full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

Item 1. There is hereby appropriated to the State Funding Board for interest and reduction of the state debt, for debt service expense and interest on proposed bond authorization:

- (a) Amortization of Authorized and Unissued Construction Bonds, in the amount of \$18,379,000, recurring.

Item 2. Miscellaneous Appropriations – Employee Buyout Initiative, in the amount of \$50,000,000, non-recurring. Employees taking advantage of the buyout initiative shall receive a severance package. The severance benefit plan shall consist of:

- (a) A base payment of \$3,200; and
- (b) College tuition assistance for 2 years to be capped at the average of the highest four-year public Tennessee college undergraduate level; provided, however, that such assistance shall only be provided for periods of actual attendance within a period of time to be determined by the Commissioner of Finance and Administration.

SECTION 5. Base and Cost Increase Reductions. The appropriations in Section 1 of Chapter 651, Public Acts of 2020, except as otherwise provided herein, hereby are reduced in the following amounts for the purpose of deleting base and cost increase appropriations and positions that had been recommended in the 2020-2021 Budget Document, and the

Commissioner of Finance and Administration is authorized to allocate the appropriation reductions to the appropriate organizational units and to adjust federal aid and other departmental revenues and authorized positions accordingly.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

	<u>Recurring</u>	<u>Non-Recurring</u>
1. Education – BEP Salary – Delete	\$ (58,680,000)	\$ 0
2. Higher Education – Formula and Non-Formula Units – Salary Pool – Delete	(23,590,800)	0
3. Miscellaneous Appropriations – TEAM Act Salaries – Delete	(22,956,000)	11,478,000
4. Miscellaneous Appropriations – Non-TEAM Act Salaries – Delete	(5,359,200)	0
5. Miscellaneous Appropriations – Salaries – Market Rate Adjustment – Delete	(20,000,000)	0
6. Correction – Salary Increases for Probation and Parole Officer Series – Delete	(9,995,100)	0
7. Salaries – Trooper Survey – Delete	(1,137,300)	0
8. Salaries – TLETA Survey – Delete	(18,500)	0
9. District Attorneys – Mandated Salary Increase – Reduce – Fund Balance with Equity	(656,600)	0
10. Human Services for District Attorneys – Mandated Salary Increase – Reduce – Fund Balance with Equity	(21,200)	0
11. Public Defenders – Statutory Salary Step Raises – Reduce – Fund Balance with Equity	(359,200)	0
12. Post-Conviction Defender – Statutory Salary Step Raises – Reduce – Fund Balance with Equity	(12,500)	0
13. Safety – Statutory Salary Step Raises – Reduce – Fund Balance with Equity	(587,200)	0
14. Commerce & Insurance – TLETA Statutory Salary Step Increase – Reduce – Fund Balance with Equity	(21,400)	0
15. Children's Services – Case Manager Salary Adjustment – Delete	(3,639,200)	0
16. Correction – State Prosecutions – Reduce and fund Non-Recurring	(22,289,000)	8,000,000

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17. Economic & Community Development – FastTrack – Reduce	0	(5,000,000)
18. Economic & Community Development – Broadband Initiative – Reduce	0	(10,000,000)
19. Education – Non-Public Education Choice Programs – Reduce	0	(15,130,100)
20. Higher Education – Outcomes Based Funding Formula – Delete	(38,000,000)	0
21. Military – Armories Maintenance – Delete	(1,000,000)	0
22. Safety – Manpower Increase of Troopers – Delete (-10 FT)	(899,000)	(615,000)
23. Environment & Conservation – Cummins Falls State Park – Reduce (-3 FT)	(128,900)	0
24. Environment & Conservation – State Park Maintenance – Reduce	0	(8,000,000)
25. Environment & Conservation – Air Pollution Control Non-Title V Program – Reduce	(1,500,000)	0
26. Tennessee Bureau of Investigation – Field Agent Positions – Delete (-25 FT)	(3,387,400)	(2,177,700)
27. TennCare – ECF CHOICES – Waiting List – Delete	(15,055,200)	10,018,400
28. TennCare – ECF CHOICES – Group 7 & 8 Populations – Delete	(6,379,000)	0
29. TennCare – Postpartum Coverage Extension Pilot – Delete	0	(6,644,700)
30. TennCare – Dental Coverage for Pregnant and Postpartum Women – Delete	(2,023,500)	0
31. TennCare – New Therapists – Delete	(682,400)	0
32. TennCare for Children’s Services – Case Manager Salary Adjustment – Delete	(1,136,100)	0
33. Transportation – Transportation Equity Fund – Delete	0	(30,000,000)
34. Military – New TEMA Region – Delete (-19 FT)	(1,265,500)	(285,000)
35. Higher Education – Capital Maintenance – Delete	(6,500,000)	(3,500,000)
36. General Services – Statewide Capital Maintenance – Delete	(6,500,000)	(3,500,000)
<b>Total</b>	<b>\$ (253,780,200)</b>	<b>\$ (55,356,100)</b>

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Item 2. The appropriation in Chapter 651, Public Acts of 2020, Section 1, Title III-8, Item 7, FastTrack Infrastructure and Job Training Assistance, hereby is reduced \$15,000,000 recurring.

Item 3. The appropriation in Chapter 651, Public Acts of 2020, Section 1, Title III-9, Item 2.1k, Non-Public School Education Choice Programs, hereby is reduced \$26,500,000 non-recurring.

SECTION 6. Capital Outlay Additional Provisions. The following provisions are in addition to other provisions of this act and Chapter 651, Public Acts of 2020 concerning the capital outlay budget and the facilities revolving fund capital outlay budget.

Item 1. The provisions of this item shall take effect upon becoming a law, the public welfare requiring it. Subject to Senate Bill No. 2935 / House Bill No. 2930 becoming a law, the additional general obligation bond authorization recommended in addition to Chapter 649, Public Acts of 2020, it is the legislative intent to fund certain capital outlay projects with bonds in lieu of previously appropriated capital outlay current funds. The Commissioner of Finance and Administration is directed to reduce the allotment of appropriations from current funds in the capital projects fund according to the following schedule:

(a) Veterans Home Board – West Tennessee Veterans Nursing Home, funded in Chapter 460, Public Acts of 2017, Section 1, Title 32, Item 10, in the amount of \$10,000,000.

(b) Veterans Home Board – West Tennessee Veterans Nursing Home Bridge Funding, funded in Chapter 460, Public Acts of 2017, Section 64, Item 37, and reappropriated in Chapter 1061, Public Acts of 2018, Section 59, Item 3(g), in the amount of \$8,000,000.

(c) Middle Tennessee State University – MTSU School for Concrete and Construction Management, funded in Chapter 405, Public Acts of 2019, Section 1, Title 33, Item 9, in the amount of \$34,085,000.

(d) Economic and Community Development – Amazon Operations Center Grant, funded in Chapter 405, Public Acts of 2019, Section 1, Title 33, Item 1, in the amount of \$65,000,000.

(e) Economic and Community Development – Volkswagen Plant Infrastructure Grant, funded in Chapter 405, Public Acts of 2019, Section 1, Title 33, Item 2, in the amount of \$50,000,000.

There is hereby transferred the sum of \$167,085,000.00 from the capital projects fund to the general fund in the fiscal year ending June 30, 2020.

Item 2. Of the capital maintenance projects listed on pages A-131 through A-138 of the 2020-2021 Budget Document and in Section 1, Title III-33 of Chapter 651, Public Acts of 2020, the following hereby are reduced. Negative amounts are reductions and positive amounts are increases.

	<u>State Funds</u>	<u>Other Funds</u>
1. Agriculture - Statewide Facilities Assessment and Maintenance Plan	\$ (950,000)	\$ 0
2. Agriculture - Knoxville District Office Warehouse Complex Renovations	(500,000)	0
3. Environment and Conservation - Norris Dam State Park Water Line Replacement	(6,181,400)	(198,600)
4. General Services - ADA Compliance	(800,000)	800,000
5. General Services - Environmental Consultants	(5,000,000)	1,000,000
6. General Services - State-Owned Buildings OSHA Compliance	(800,000)	800,000
7. General Services - TPAC Annual Maintenance Grant	(300,000)	150,000
8. General Services - National Civil Rights Museum Maintenance Grant	(300,000)	150,000

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9.	General Services - Tennessee Residence Security Upgrades	(970,000)	970,000
10.	Human Services - TRC Smyrna Campus System Upgrades Phase 2	(5,940,000)	0
11.	Intellectual and Developmental Disabilities - MTRO Essential Maintenance	(3,210,000)	0
12.	Military - Statewide TEMA Lighting Upgrades	(220,000)	0
13.	Military - Russellville RC Plumbing Repair	(250,000)	0
14.	Austin Peay State University - Campuswide Elevator Modernization	(750,000)	0
15.	East Tennessee State University - HVAC Repairs Phase 1	(3,470,000)	0
16.	Middle Tennessee State University - Elevator Modernization Phase 3	(2,000,000)	0
17.	Middle Tennessee State University - Water and Sewer System Updates Phase 2	(490,000)	0
18.	Tennessee State University - Power Plant Equipment and Lighting Upgrades Phase 2	(3,073,400)	0
19.	Tennessee State University - Campus HVAC Repairs Phase 2	(1,881,000)	0
20.	Tennessee Technological University - Building Controls Upgrade Phase 1	(3,000,000)	0
21.	University of Memphis - Central Chiller and CFA HVAC Replacements	0	(5,000,000)
22.	University of Memphis - Multiple Buildings Interior Repairs Phase 2	(2,000,000)	0
23.	University of Memphis - Campus-Wide Boilers and Hot Water Pipes Repair Phase 2	(2,500,000)	0
24.	Tennessee Board of Regents - COSCC Mechanical System Upgrades	(950,000)	950,000
25.	Tennessee Board of Regents - MSCC McMinnville Campus HVAC Upgrades	(920,000)	920,000
26.	Tennessee Board of Regents - JSCC McWherter Center HVAC Updates Phase 2	(1,260,000)	1,260,000
27.	Tennessee Board of Regents - Statewide TCAT Mech., Electrical, and Plumbing Updates	(1,890,000)	1,890,000
28.	Tennessee Board of Regents - TCAT Jacksboro Door and Window Replacements	(140,000)	140,000
29.	Tennessee Board of Regents - TCAT Parking Improvements	(1,350,000)	0
30.	Tennessee Board of Regents - CLSCC Science Building Renovations	(1,880,000)	0
31.	Tennessee Board of Regents - TCAT Maintenance Repairs	(1,450,000)	0

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32. Tennessee Board of Regents - CHSCC Warehouse Roof Replacement	(280,000)	0
33. Tennessee Board of Regents - PSCC Strawberry Plains Roof Replacement	(460,000)	0
34. Tennessee Board of Regents - TCAT Mechanical, Electrical, and Plumbing Updates	(3,230,000)	0
35. University of Tennessee - UTM EPS Building Systems Upgrades	0	(9,870,000)
36. University of Tennessee - UTC Multiple Buildings Roof Replacements	(3,651,500)	(1,378,500)
37. University of Tennessee - UTHSC Campus Police Building Upgrades	(8,000,000)	0
38. University of Tennessee - UTIA CRC/MAST, BESS, and JARTU Improvements	(7,120,000)	0
39. University of Tennessee - UTK Building Systems Improvements (20-21)	(4,000,000)	0
40. University of Tennessee - UTC Multiple Buildings Elevator Upgrades	(2,330,000)	0
41. University of Tennessee - Statewide Facilities Space Analytics	(1,000,000)	0
<b>Total</b>	<b>\$ (84,497,300)</b>	<b>\$ (7,417,100)</b>

Item 3. Of the facilities revolving fund capital maintenance projects listed on pages A-153 through A-158 of the 2020-2021 Budget Document and in Section 1, Title III-30 of Chapter 651, Public Acts of 2020, the following hereby are reduced. Negative amounts are reductions and positive amounts are increases.

	<u>State Funds</u>	<u>Other Funds</u>
1. FRF - TN Tower Fire Alarm and Fire Suppression Upgrades	\$ 0	\$ (12,790,000)
2. FRF - Jackson Supreme Court Cleaning, Repairs, Interior Renov.	(3,320,000)	0
3. FRF - Andrew Jackson Building Elevator Replacement	(8,500,000)	0
4. FRF - Legislative Plaza Fountains	0	(1,390,000)

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5. FRF - TPS Complex Utility Pole Replacements and Removal	(1,670,000)	0
6. FRF - State Capitol Complex Exterior Lighting Upgrades	(730,000)	0
<b>Total</b>	<b>\$ (14,220,000)</b>	<b>\$ (14,180,000)</b>

SECTION 7. In the fiscal year ending on June 30, 2020, the sum of \$15,000,000 shall be transferred from the reserve for future tax relief, created or referenced in Section 61, Item 15 of Chapter 405, Public Acts of 2019, to the general fund.

SECTION 8. Pursuant to the provisions of Tennessee Code Annotated, Section 49-3-307, the dollar value of the BEP instructional positions component shall be forty-eight thousand, three hundred thirty dollars (\$48,330) as amended by Section 5, Item 1 of this act.

SECTION 9. Carry-forward and Appropriation of Certain Unexpended Balances. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. Subject to the availability of funding at June 30, 2020, any unexpended balances of appropriations made under Chapter 405, Public Acts of 2019, other acts of this General Assembly or acts by previous General Assemblies, listed in this section are hereby reappropriated to be expended in the 2020-2021 fiscal year and such appropriations shall be carried forward in a reserve into the fiscal year beginning July 1, 2020. The reappropriation and carry-forward of these funds is subject to approval by the Commissioner of Finance and Administration. Unless otherwise noted, the unexpended balances reappropriated are authorized under Chapter 405, Public Acts of 2019, and they are the appropriations made:

Item 1. To the Department of General Services, in Section 38, Item 3.1, of Chapter 651, Public Acts of 2020, for Facility Assessment – Tennessee State University.

Item 2. To Miscellaneous Appropriations, in Section 56, Item 1-35, for Consulting/Study – Governor’s Efficiency Initiatives.

SECTION 10. The Tennessee Code Commission is requested to place an appropriate, permanent note following the codification of any public act which is codified and which has not received constitutionally required first year's funding through the provisions of this act.

SECTION 11. If any provisions of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. This act shall take effect July 1, 2020, the public welfare requiring it; provided, however, that any provision of this act which authorizes prior or immediate expenditures and any section or item which specifies an immediate effective date shall take effect upon becoming a law, the public welfare requiring it.